

ZORA NOVACEK, DANIELA NOVACEK, AND FRANTISEK
NOVACEK

JULY 20, 1951.—Committed to the Committee of the Whole House and ordered
to be printed

Mr. GRAHAM, from the Committee on the Judiciary, submitted
the following

R E P O R T

[To accompany H. R. 1265]

The Committee on the Judiciary, to whom was referred the bill (H. R. 1265) for the relief of Zora Novacek, Daniela Novacek, and Frantisek Novacek, having considered the same, report favorably thereon with amendment and recommend that the bill do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That for the purposes of the immigration and naturalization laws, Zora Novacek, Daniela Novacek, and Frantisek Novacek shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon the payment of the required visa fees and head taxes. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct three numbers from the number of displaced persons who shall be granted the status of permanent residence pursuant to section 4 of the Displaced Persons Act, as amended (62 Stat. 1011; 64 Stat. 219; 50 U. S. C. App. 1953).

PURPOSE OF THE BILL

The purpose of this bill, as amended, is to grant the status of permanent residence in the United States to three natives of Czechoslovakia. The bill also provides for the appropriate quota deductions and for the payment of the required visa fees and head taxes.

GENERAL INFORMATION

The pertinent facts in this case are contained in a letter from the Deputy Attorney General, dated February 15, 1951, to the chairman of the Committee on the Judiciary, which letter reads as follows:

FEBRUARY 15, 1951.

Hon. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
 House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice relative to the bill (H. R. 1265) for the relief of Zora Novacek, Daniela Novacek, and Frantisek Novacek, aliens.

The bill would direct the Attorney General to record the lawful admission into the United States for permanent residence of Zora Novacek, Daniela Novacek, and Frantisek Novacek, as of January 7, 1950, upon payment by them of the visa fee and head tax. It also would direct the Secretary of State to instruct the quota-control officer to deduct three numbers from the quota for Czechoslovakia.

The files of the Immigration and Naturalization Service of this Department disclose that the aliens comprise a family group, all of whom were last citizens of Czechoslovakia. Mr. Frantisek Novacek was born on December 11, 1910, in Vienna, Austria; his wife, Zora, and their son Daniela, were born in Prague, Czechoslovakia, on September 18, 1921, and April 28, 1944, respectively. They entered the United States at the port of New York on January 7, 1950, and were admitted as visitors, for a period of 6 months. Warrants for arrest in deportation proceedings were issued against them on the ground that after their admission as visitors, the aliens had remained in the United States longer than permitted under the Immigration Act of 1924.

Mr. Novacek stated that his parents took him to Prague, Czechoslovakia, in 1918, when that country was created, and that, though he was last a citizen of that country, he is now stateless. He also stated that he was commercial attaché to the Czechoslovakian Embassy in Belgrade, Yugoslavia, from February 1947 until May 1949, at which time he fled with his wife and child through Austria to Switzerland, then to Italy, and then to the United States. According to his statement, his wife and child are also stateless.

The record further reveals that since coming to the United States the adult aliens have supported themselves and their minor child on their savings. Mr. Novacek stated that he has been offered \$300 a month for his services as a specialist with the Committee for a Free Europe, when his immigration status is adjusted. Since he claims to be anti-Communist, he was asked to explain why he remained in the employ of the Czechoslovakian Government after it was taken over by the Communists and further how he happened to keep his post as commercial attaché in view of his oath of loyalty which he stated he had taken to the former President of Czechoslovakia, Dr. Benesh. He explained that it was not possible to resign in Yugoslavia at that time, since that country and Czechoslovakia were still on friendly terms, without being returned to Czechoslovakia. He wanted to remain in Yugoslavia, as he felt that was the only way he could escape. After he took his oath of loyalty to ex-President Benesh, there came a break between Yugoslavia and the Cominform in Czechoslovakia, and that was the reason, he said, the Communist-controlled government of Czechoslovakia did not send a Communist to replace him in Yugoslavia.

The Austrian and Czechoslovakian quotas, to which the aliens are chargeable, are oversubscribed, and immigration visas are not readily obtainable. Their cases are similar to those of many other aliens who desire to enter the United States but are unable to do so because of the oversubscribed condition of the quotas to which they are chargeable. Frequently, in recent years, many aliens have entered the United States in the guise of nonimmigrants, and have then attempted to adjust their status to that of permanent residents, thereby gaining a preference over the alien who is residing abroad and awaiting his regular turn for the issuance of an immigration visa in compliance with the law. The record in the case of the Novacek family presents no facts which would warrant granting them such a preference by enactment of special legislation in their behalf.

Accordingly, the Department of Justice is unable to recommend enactment of the bill.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

Having considered all the facts in this case, the committee is of the opinion that H. R. 1265, as amended, should be enacted, and it accordingly recommends that the bill do pass.